STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-13979

CASE NUMBER 2014-35-PD-1

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13979 is held by John L. Terpsma and Karen Knobel.

2. The Department has received information that Steve Knobel, husband of Karen Knobel, may have a spousal interest in the land described above appurtenant to appropriation A-13979.

3. A search of the records of the Otoe County Register of Deeds indicates the land appurtenant to appropriation A-13979 includes names of owners that are different than the owner listed in Department records. These individuals are Patty Jean and John Buchholz.

4. Appropriation A-13979 with a priority date of January 30, 1976, authorizes the use of water for irrigation of the 111 acres of land described below. The water may be diverted from Flood Creek at a point of diversion located on the right bank of the stream in the NE¼SW¼ of Section 11, Township 9 North, Range 12 East of the 6th P.M. in Otoe County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 1.59 cfs.

Township 9 North, Range 12 East of the 6th P.M. in Otoe County		Acres
Section 11:	SW¼SW¼	40
	NW¼SE¼	10
	SW¼SE¼	24
	SE¼SE¼	37
	TOTAL	111

5. The Department has received information concerning the use of surface water appropriation A-13979 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.

6. On November 18, 2014, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-13979. The Notice was delivered by certified mail to John L. Terpsma, 7614 Phares Drive, Lincoln, Nebraska 68516; Karen Knobel, 4700 South 98th Street, Lincoln, Nebraska 68526; Steve Knobel, 4700 South 98th Street, Lincoln, Nebraska 68526; and Patty Jean and John Buchholz, 4563 C Road, Otoe, Nebraska 68417.

7. No contest of the Preliminary Determination of Nonuse was received in the Department.

8. The Department has determined that appropriation A-13979 has not been used for its required purpose for more than five consecutive years.

9. *Nebraska Revised Statutes* § 46-229.02 provides that an appropriation not used for a beneficial purpose for more than five consecutive years may be cancelled.

ORDER

IT IS HEREBY ORDERED appropriation A-13979 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

January 13, 2015

James C. Schneider
Acting Director

A copy of this Order was posted on the Department's website. A copy of this Order was provided to the Department's docket clerk and field office in Lincoln, Nebraska. A copy of this Order was mailed on January 13, 2015, to the following:

John L. Terpsma
7614 Phares Drive
Lincoln, Nebraska 68516

Karen Knobel
4700 South 98th Street
Lincoln, Nebraska 68526

Steve Knobel
4700 South 98th Street
Lincoln, Nebraska 68526

Patty Jean and John Buchholz
4563 C Road
Otoe, Nebraska 68417